

RCRA REVISION CHECKLIST 24

Financial Responsibility:
Settlement Agreement
51 FR 16422-16459
May 2, 1986
as amended on March 10, 1988, at 53 FR 7740-7741
(Non-HSWA Cluster II)

Note: The March 10, 1988 (53 FR 7740) amendments to this rule corrected errors in the preamble in which certain provisions were erroneously described as less stringent (i.e., optional) than the previous Federal program. Therefore, final determination of optional sections and subsections for this checklist was based on the March 10, 1988 amendments. Because these were the only changes made by that final rule, a separate checklist was not developed.

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

"active life" 260.10

"final closure" 260.10

"hazardous waste
management unit" 260.10

"partial closure" 260.10

PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

closure of all
facilities 264.110(a)

post-closure care 264.110(b)

CLOSURE PERFORMANCE STANDARD

minimizes
maintenance 264.111(a)

controls, minimizes
post-closure escape 264.111(b)

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
complies with requirements	264.111(c)				
CLOSURE PLAN; AMENDMENT OF PLAN					
† written plan	264.112(a)				
content of plan	264.112(b)				
hazardous waste management unit to be closed	264.112(b)(1)				
final closure/maximum extent of enclosed operations	264.112(b)(2)				
maximum inventory	264.112(b)(3)				
remove or decontaminate all residues/equipment	264.112(b)(4)				
other activities to assure closure	264.112(b)(5)				
schedule for closure	264.112(b)(6)				
† estimate year of final closure	264.112(b)(7)				
amendment of plan	264.112(c)				
† notification of partial and final closure	264.112(d)				
† remove wastes, decontaminate and dismantle	264.112(e)				
† CLOSURE; TIME ALLOWED FOR CLOSURE					
treat final volume in 90 days or use criteria	264.113(a)				
complete closure in 180 days or use criteria	264.113(b)				
demonstration must be within 30 days timeframe	264.113(c)				
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS					
requirement at closure	264.114				

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
CERTIFICATION OF CLOSURE					
approved in accordance with	264.115				
SURVEY PLAT					
survey plat required	264.116				
POST-CLOSURE CARE AND USE OF PROPERTY					
continued care for 30 years	264.117(a)(1)				
reduction or extension of care period	264.117(a)(2)				
security requirements	264.117(b)				
post-closure use limits	264.117(c)				
activities in accord with plan	264.117(d)				
POST-CLOSURE PLAN; AMENDMENT OF PLAN					
written plan	264.118(a)				
specified activities	264.118(b)				
availability of plan	264.118(c)				
amendment of plan	264.118(d)				
POST-CLOSURE NOTICES					
record of type, location and quantity of hazardous waste	264.119(a)				
requirement to enter note on deed	264.119(b)				
conditions for removal of notation	264.119(c)				
CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE					
completion of post- closure period	264.120				
SUBPART H - FINANCIAL REQUIREMENTS					

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

DEFINITIONS OF TERMS AS USED IN THIS SUBPART

"current plugging and abandonment cost estimate"	264.141(f)
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COST ESTIMATE FOR CLOSURE

o/o must have written cost estimate	264.142(a)
adjust closure cost estimate for inflation	264.142(b)
closure plan changes	264.142(c)

FINANCIAL ASSURANCE FOR CLOSURE

reimbursement for closure activities	264.143(a)(10)
standby trust fund equal to penal sum	264.143(b)(4)(ii)
surety liability keyed to final Administrative Order	264.143(c)(5)
after final 3008 deter- mination Regional Administrator may draw on credit	264.143(d)(8)
o/o may request reimbursement	264.143(e)(5)
net capital and worth at six times	264.143(f)(1)(i)(B)
90% of assets in U.S.	264.143(f)(1)(i)(D)
net worth at 6 times sum of cost estimate	264.143(f)(1)(ii)(B)
90% of assets in U.S.	264.143(f)(1)(ii)(D)
phrases of cost estimates including plugging and abandonment	264.143(f)(2)
release of o/o from requirements	264.143(i)

COST ESTIMATES FOR POST-CLOSURE CARE

annual post-closure cost requirements	264.144(a)
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RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
adjust for inflation	264.144(b)				
post-closure plan changes	264.144(c)				
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE					
introductory text	264.145				
reimbursements for post-closure activities	264.145(a)(11)				
standby trust fund equal to penal sum	264.145(b)(4)(ii)				
surety liability keyed to final Administrative Order	264.145(c)(5)				
after final 3008 deter- mination Regional Administrator may draw on credit	264.145(d)(9)				
o/o may request reimbursement	264.145(e)(5)				
net capital and worth at six times	264.145(f)(1)(i)(B)				
90% of assets in U.S. net worth at 6 times sum of estimate	264.145(f)(1)(i)(D) 264.145(f)(1)(ii)(B)				
90% of assets in U.S. phrases of cost estimates include plugging and abandonment	264.145(f)(1)(ii)(D) 264.145(f)(2)				
release of o/o from requirements	264.145(i)				
LIABILITY REQUIREMENTS					
period of coverage	264.147(e)				
WORDING OF THE INSTRUMENTS					
financial guarantee bond	264.151(b)				
closure cost estimates under 40 CFR 144.62; includes UIC costs	264.151(f)(5)				

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	STATE ANALOG IS:	
				MORE STRINGENT	BROADER IN SCOPE
closure cost estimates under 40 CFR 144.62; includes UIC costs	264.151(g)(5)				

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

management facilities 265.110(a)

disposal facilities 265.110(b)

CLOSURE PERFORMANCE STANDARD

minimize maintenance 265.111(a)

controls, minimizes,
eliminates escape 265.111(b)

complies with closure
requirements 265.111(c)

CLOSURE PLAN; AMENDMENT OF PLAN

† written plan 265.112(a)

content of plan 265.112(b)

hazardous waste
management unit
to be closed 265.112(b)(1)

final closures and
maximum extent of
facility 265.112(b)(2)

maximum inventory 265.112(b)(3)

remove or decontam-
inate all residues/
equipment 265.112(b)(4)

other activities to
assure closure 265.112(b)(5)

schedule of closure 265.112(b)(6)

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
† estimate year of final closure	265.112(b)(7)				
amendment of plan	265.112(c)				
notification of partial and final closure	265.112(d)(1)				
† date when o/o expects to begin closure; extension to one-year limit	265.112(d)(2)				
† submittal of closure plan	265.112(d)(3)				
† opportunity to comment, public hearing, and approval, modification or disapproval of plan by Regional Administrator	265.112(d)(4)				
† remove wastes, decontaminate and dismantle	265.112(e)				
† CLOSURE: TIME ALLOWED FOR CLOSURE					
treat final volume in 90 days or use criteria	265.113(a)				
complete closure in 180 days or use criteria	265.113(b)				
demonstrations must be made within 30 days	265.113(c)				
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS					
requirement at closure	265.114				
CERTIFICATION OF CLOSURE					
requirement at closure	265.115				
SURVEY PLAT					
survey plat required	265.116				
POST-CLOSURE CARE AND USE OF PROPERTY					

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
continued care for 30 years	265.117(a)(1)				
reduction or extension of care period	265.117(a)(2)				
security requirements	265.117(b)				
post-closure use limits	265.117(c)				
activities in accord with plan	265.117(d)				
POST-CLOSURE PLAN; AMENDMENT OF PLAN					
written plan	265.118(a)				
availability of plan	265.118(b)				
specified activities	265.118(c)				
amendment of plan	265.118(d)				
o/o to submit plan 180 days before closure	265.118(e)				
approval of plan	265.118(f)				
modification of plan	265.118(g)				
POST-CLOSURE NOTICES					
record of type, loca- tion and quantity of waste	265.119(a)				
requirement to enter note on deed	265.119(b)				
conditions for removal of notation	265.119(c)				
CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE					
completion of post- closure period	265.120				
SUBPART H - FINANCIAL REQUIREMENTS					
APPLICABILITY					
all hazardous waste facilities	265.140(a)				

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

DEFINITIONS OF TERMS AS USED IN THIS SUBPART

current plugging and
abandonment of cost
estimate

265.141(f)

COST ESTIMATE FOR CLOSURE

o/o must have written
cost estimate

265.142(a)

adjust closure cost
estimate for inflation

265.142(b)

closure plan changes

265.142(c)

FINANCIAL ASSURANCE FOR CLOSURE

reimbursement for
closure activities

265.143(a)(10)

standby trust fund
equal to penal sum

265.143(b)(4)(ii)

after final 3008 deter-
mination Regional
Administrator may
draw on credit

265.143(c)(8)

o/o may request
reimbursements

265.143(d)(5)

net capital and worth
at six times

265.143(e)(1)(i)(B)

90% of assets in U.S.

265.143(e)(1)(i)(D)

net worth at six times
sum of cost estimate

265.143(e)(1)(ii)(B)

90% of assets in U.S.

265.143(e)(1)(ii)(D)

phrases of cost esti-
mates including
plugging and
abandonment

265.143(e)(2)

release of o/o from
requirements

265.143(h)

COST ESTIMATE FOR POST-CLOSURE CARE

o/o must have written
cost estimate

265.144(a)

adjust for inflation

265.144(b)

post-closure plan
changes

265.144(c)

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

FINANCIAL ASSURANCE FOR POST-CLOSURE CARE

introductory text	265.145				
o/o may request reimbursements	265.145(a)(11)				
standby trust fund equal to penal sum	265.145(b)(4)(ii)				
after final 3008 determination Regional Administrator may draw on credit	265.145(c)(9)				
o/o may request reimbursement	265.145(d)(5)				
net capital and worth at six times	265.145(e)(1)(i)(B)				
90% of assets in U.S. net worth at 6 times sum of cost estimates	265.145(e)(1)(i)(D)				
90% of assets in U.S. phrases for cost estimates including plugging and abandonment	265.145(e)(1)(ii)(B)				
release of o/o from requirements	265.145(e)(2)				
	265.145(h)				

LIABILITY REQUIREMENTS

period of coverage	265.147(e)				
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE
HAZARDOUS WASTE PERMIT PROGRAM

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

documentation that notices are filed	270.14(b)(14)				
cost estimates and financial assurance	270.14(b)(15)				

RCRA REVISION CHECKLIST 24: Financial Responsibility:
Settlement Agreement (cont'd)

		STATE ANALOG IS:			
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

post-closure cost
estimates and
financial assurance 270.14(b)(16)

SUBPART D - CHANGE TO PERMITS

MINOR MODIFICATIONS OF PERMITS

changes in ownership
or operational control 270.42(d)

SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

changes in ownership
or operational control 270.72(d)